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Obscenity, Moral Contagion and Masculinity: *Hijras* in Public Space in Colonial North India

JESSICA HINCHY*

Nanyang Technological University

Abstract: *In the 1850s, the British "discovered" a community of transgender eunuch performers, the* hijras*, and legislated for their surveillance and control under the Criminal Tribes Act (CTA) in 1871. This article examines how the British dealt with transgender colonial subjects and the implications for our understanding of colonial masculinities. In particular, I analyse colonial attempts to erase* hijras *as a visible socio-cultural category and gender identity in public space through the prohibition of their performances and feminine dress. This case study demonstrates, first, how masculinity intersected with a broad range of colonial projects, agendas and anxieties. Focusing on the problematic presence of cross-dressing and performing* hijras *in public space, I examine how colonial attempts to order public space and reinforce political borders dovetailed with discourses of masculinity, obscenity and contagion. Second, I argue that attempts to discipline masculinity and obscenity were uneven in practice, meaning the CTA had varying localised impacts upon* hijras*. The lack of interest of some British officials in regulating* hijras*, inadequate policing resources, and pragmatic compromises opened up gaps in surveillance that* hijras *grasped and expanded, frustrating colonial attempts to transform their bodies and behaviours.*

Keywords: *India,* hijra*, masculinity, sexuality, obscenity, public space, colonialism*

Hijras are generally male-born persons who describe themselves as emasculates or "eunuchs from birth", wear feminine clothing, usually adopt feminine names and have a socio-cultural role as performers at the time of births. Yet to the British in nineteenth-century India, *hijras* were "habitual sodomites" and gender deviants. Their performances were an obscenity, according to colonial officials, while their clamorous public presence was a moral outrage. This article examines the disciplining of *hijra* gender

**Correspondence Address*: jhinchy@ntu.edu.sg

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and sexuality for what this reveals about the relationship between masculinity and colonialism. In particular, I focus upon British attempts, beginning in the 1870s, to erase *hijras* as a visible social category and gender identity in public space through the prohibition of performance and transvestism.

Badhai, or performance, was central to the social role of *hijras* in the nineteenth century, and is still significant to *hijra* identities in contemporary India (Reddy, 2005b, pp. 78–84). When a child was born or a wedding occurred, *hijras* routinely visited the house, performed songs and dances, and received (or demanded) payment from the family. *Hijras* claimed a right to alms because their role had religious significance: as infertile persons, they had the power to either bless or curse the fertility of others. *Hijras* also performed their songs and dances in public spaces, such as markets and religious fairs, and for the entertainment of Indian rulers. Yet *hijras* were often considered outcastes due to their castration. Despite the importance of Hindu mythology to the social role of *hijras* and their worship of particular Hindu deities, many described themselves as Muslims and *hijra* identity and customs were religiously syncretic. In northern India, *hijras* wore female clothing, which was an important mark of *hijra* identity, and adopted feminine names upon their initiation.[1] The *hijras* of a particular town or neighbourhood usually lived together in households that were structured by relationships described through kinship terms and by *guru-chela*, or teacher-disciple, hierarchies (Amson, 1872; Castle, 1878; Crooke, 1896, p. 495; Dalmahoy, 1865a; Dalmahoy, 1865b; Enthoven, 1997 [1922], pp. 226–28; Low, 1836; Preston, 1987, p. 376; Robertson, 1866; Rose, 1907, p. 243; Rose, 1911, pp. 331–32; Russell, 1916, pp. 207–08; Simson, 1860; Simson, 1866; Shortt, 1873, p. 209, p. 403; Tiernan, 1871; Williams, 1865).

Hijras challenged the binary division of gender, and despite their self-description as "neither males nor females" (Enthoven, 1997 [1922], p. 228) colonial officials referred to *hijras* as "men". The use of the masculine pronoun was, in fact, a linguistic strategy to erase *hijras* as a distinct gender category and restore the binary division of gender that *hijras* challenged. Masculinity was central to the British construction of the category of "eunuch". From the 1860s, the British in north India discovered several groups that were not castrated but seemingly resembled *hijras* (Elliot, 1871b; Hobart, 1876a). These transgender groups were loosely categorised as "eunuchs" under law, even though they were not emasculated, highlighting that the transgression of normative masculinity was fundamental to the definition of eunuch-hood in British India.[2]

Masculinity was also fundamental to British ideologies of rule in India, in which British men were represented as the masculine ideal. According to colonial discourses, British men had a manly physical appearance, treated their women in a protective and yet liberal manner, occupied their time with manly pursuits such as hunting and sports, and above all, ruled the subcontinent in a just and enlightened manner (thereby glossing over the violence of colonialism). Colonised men were characterised as inherently inferior, but were differentiated through a hierarchy of manliness that distinguished "martial tribes", such as Sikhs, Pathans and Muslims, from "effeminate races", such as Bengalis. Mrinalini Sinha has used the term "colonial masculinity" to describe the relational construction of British and Indian masculinity, along multiple "axes" of power and difference "among or within the colonisers and the colonised as well as between the colonisers and colonised" (Sinha, 1995, p. 1). Interestingly, homosexuality[3] was usually associated in colonial discourse with the "martial races", not with "effeminate"

Bengalis. Yet the colonisers perceived the figure of the *hijra* as effeminate, sexually "deviant" *and* "impotent" – as a figure of failed masculinity.

In 1871, the Government of India enacted the Criminal Tribes Act (CTA). The first part of the CTA applied to the criminal tribes (whose caste professions were labelled criminal), and the second part provided for the registration and control of "eunuchs". The CTA applied to the North Western Provinces (NWP), Oudh and the Punjab. (In 1877, the NWP and Oudh merged. I refer to these provinces collectively as NWP&O throughout this paper.) While the CTA was not fully enforced in the Punjab (Barron, 1910; Griffin, 1872), the NWP&O government considered this "peculiarly nasty" matter (Tyrwhitt, 1874) an "important branch" of judicial and police administration (Webster, 1880). Under the CTA, eunuchs were defined as "all persons of the male sex who admit themselves or on medical inspection clearly appear, to be impotent" (Government of India, 1871). Yet only eunuchs who were "reasonably suspected" of kidnapping, castration or sodomy would be registered; thus, the Act required the classification of eunuchs into "respectable" and "suspicious" categories. The NWP&O government established that either performing in public or wearing female clothing would render a eunuch "suspicious" and liable to registration (Elliot, 1873). In the long term, the aim of the CTA was the extermination of eunuchs through the prevention of emasculation, which would cause eunuchs to "die out" (Elliot, 1871a; Simson, 1865). The immediate aim, however, was to erase *hijras* as a visible socio-cultural category and gender identity. Thus, the Act provided for the imprisonment for up to two years with fine of "[a]ny eunuch … who appears, dressed or ornamented like a woman, in a public street or place, or in any other place, with the intention of being seen from a public street or place, or who dances or plays music, or takes part in any public exhibition", thereby criminalising *hijras*' primary means of income (Government of India, 1871). The CTA also "virtually deprive[d]" eunuchs "of civil rights" (Elliot, 1871a), including the right to write a will and be the guardian of a child, while police removed children residing with eunuchs in order to prevent emasculation (Government of India, 1871). The CTA was enforced until 1911 in the NWP&O (Government of India, 1911; Jenkins, 1910).

The central questions this article asks are, how did the British in north India govern transgender colonial subjects and what are the implications for our understanding of colonial masculinities?[4] First, colonial attempts to discipline *hijras* demonstrate that discourses and projects of colonial masculinity were over-determined by a range of broader colonial agendas, anxieties and priorities. Colonial moral panics about *hijras* can only be understood through an analysis of how gender and sexuality intersected with numerous broader concerns. The author's broader research project demonstrates how various colonial preoccupations following 1857 were manifest in moral panics about *hijras*, from concerns with peripatetic groups to anxieties about child sexuality. This paper focuses specifically on the intersections of masculinity with broader attempts to order and "clean" public space and to prevent the spread of moral and physical "disease" after 1857. Discourses of masculinity were bound up with concepts of hygiene, contagion and obscenity. In the British view, the performances and transvestism of *hijras* posed a threat of moral and sexual contagion to both Indian men and colonial public space.

Second, this article examines the impacts of the colonial regulation of obscenity and masculinity. Mrinalini Sinha, Sikata Banerjee and Charu Gupta have shown that masculinity was intimately bound up with colonial policies, debates about social

reform, and Indian nationalism (Sinha, 1995; Banerjee, 2005; Gupta, 2010). This article extends these studies by examining what happened when the colonisers used codes of masculinity as a means of policing indigenous society. To what extent could the colonisers transform the minutiae of *hijras*' gendered practices and public acts? I argue that the disciplining of *hijra* gender and sexuality was uneven and fissured at the local level. Whereas some *hijras* felt the full brunt of the law – or were subject to excessive applications of the CTA – lax enforcement elsewhere facilitated *hijras*' breaking of the law. The varied impacts of the regulation of performance and feminine dress were due to several factors. Inadequate policing resources and resulting gaps in surveillance made *hijra* evasion possible, while British district administrators prioritised other areas of local administration. British conceptualisations of obscenity varied and officials held differing opinions on the necessity of regulating *hijras*' public acts, producing a diversity of policies at the district level. Moreover, *hijras* took advantage of, widened and generated gaps in colonial power through various strategies of everyday resistance, evasion and negotiation. This study illuminates the fissured nature of colonial attempts to regulate obscenity, gender and sexuality. More broadly, this article resonates with historical studies of "colonial governmentality", which have shown how colonial attempts to manage populations and discipline bodies were often limited in practice, due to the imperative to maintain colonial dominance and the prioritisation of extractive economic policies (Heath, 2010, Chapter 1; Legg, 2007, pp. 5–24; Prakash, 2002, pp. 87–89; Nair, 2009, p. 330).[5]

The registration of eunuchs under the CTA has not received in-depth scholarly analysis, meaning an important episode in the history of the *hijra* community is yet to be told.[6] This article extends the anthropological literature on *hijras* through a historical focus (Dutta, 2012; Hall, 1997; Hossain, 2012; Lal, 1999; Nanda, 1989; Reddy, 2005b). While anthropologists have generally neglected the issue of masculinity and privileged the lens of "third gender" in their accounts of the *hijra* community (Osella et al., 2004, p. 2), I argue that masculinity was central to the historical marginalisation of *hijras.* This article also contributes to the aforementioned studies of "colonial masculinities", which have primarily presented a dialogue between British masculinities and upper-caste Hindu masculinities (Banerjee, 2005; Sinha, 1995), with the recent notable exception of Charu Gupta's work on Dalits (Gupta, 2010). This article analyses colonial masculinities from the margins, examining the deployment of masculinity against gender, sexual and caste subalterns, as well as the agency of *hijras* in response. Finally, this article contributes to studies of the regulation of sexuality in the British Empire. Studies of the regulation of female prostitution have considered the ordering of space (Levine, 2003, pp. 297–322; Tambe, 2010, pp. 58–63), yet there has been little research on the intersections between space, sexuality and masculinity.[7]

The Ethnographic and Historical Context

Hijras were not the only group the British classed as "eunuchs" in north Indian society. *Khwajasarais*, eunuch slaves who were employed in the feminine quarters of elite homes and were courtiers and administrators, could rise to positions of prominence in the Mughal Empire and regional Indian states (Lal, 2005, pp. 195–96; Chatterjee, 2000, pp. 64–65). The author's broader research project examines *khwajasarais* in

Awadh, a regional power in north India. *Khwajasarais* had diverse duties that traversed the domestic and political, but they were particularly prominent in intelligence, diplomatic and military roles. *Hijras* and *khwajasarais* were distinct social roles in the eighteenth and nineteenth centuries (Faiz Bakhsh, 1889 [c.1818]; Khan, 1870). *Khwajasarais* were male-identified and, despite their slave status, were of considerably higher social standing than *hijras*. Nevertheless, the communities had some similarities: both were internally structured by *guru-chela* (teacher-disciple) hierarchies and by non-biological kinship relationships (Faiz Bakhsh, 1889 [c.1818]). The power of *khwajasarais* gradually declined over the nineteenth century. From the beginning of the century, *khwajasarais* were less important as transmitters of intelligence (Bayly, 1999, pp. 94–96). By the mid-nineteenth century, in the lead-up to the British annexation of Awadh, the British deemed *khwajasarais* politically "corrupt" and inappropriate administrators and in 1848 pressured the Awadh ruler to prohibit them from "official" positions (Richmond, 1848; Padshah of Awadh, 1848). *Khwajasarais* resisted colonial interference with some success (Outram, 1855) until British annexation of Awadh in 1856, which resulted in a dramatic decline in their power (Nazir ud-Daula, 1874). The power of *khwajasarais* also gradually diminished in the state of Murshidabad in Bengal (Chatterjee, 1999, pp. 44–57, pp. 73–77, pp. 150-51, p. 215). Efforts to regulate *khwajasarai* labour in Awadh highlight the fact that the CTA was not the only colonial intervention aimed at eunuchs. Yet *hijras* provoked deeper colonial anxieties and more wide-reaching interventions than did *khwajasarais*, who were not, in the colonial view, "habitual criminals" and sexual "deviants".

Hijras' bawdy performances and feminine embodiment were situated in a broader context of gender-crossing and cross-dressing in mythology, religious worship and popular culture. Mythology and folklore in the Hindu tradition contains numerous examples of mythological figures that change sex, usually from male to female (Goldman, 1993; O'Flaherty, 1980, pp. 303–06, p. 334; Nanda, 1989, pp. 21–23; Lal, 1999, pp. 122–26). Several Hindu religious orders cross gender boundaries in their worship. For instance, the *rasiks* or *sakhis* ("female companions") of the Ramanandi monastic order – male devotees who perform feminine behaviours, dress as women and even observe the taboos of the menstruation period in the course of their devotion to Sita and Ram – were present in nineteenth-century north India and still exist today (van der Veer, 1988, pp. 162–69; Low, 1882; Smith, 1881; 1882). Moreover, in the nineteenth century there were diverse forms of female impersonation in theatre and popular culture, from performances of Hindu legends to urban, middle-class theatre (Hobart, 1876a; Hansen, 2004). The gendered and sexual meanings of these forms of gender-crossing were often ambiguous and scholars have interpreted them as variously reinforcing or destabilising dichotomous conceptions of gender (for opposing views, see Nanda, 1989, pp. 21–23; Goldman, 1993, p. 392). Nevertheless, *hijras* were one of several groups who transgressed dichotomous gender in north Indian society.

How, then, did north Indian society view *hijras*? The official records suggest that the songs and dances of *hijras* were inoffensive to a significant proportion of rural and urban society, even if *hijras* were socially marginal (Elliot, 1871b; Willock, 1873b). Indians the British labelled "respectable" reported that local *hijras* were merely "well behaved" singers and dancers (Willock, 1873a). Local intelligence reports from the 1870s show that *hijras* interacted with their neighbours on an everyday basis in the context of local ritual economies of alms-collection (Short, 1873). *Hijras*' performances

had a wider range of religious and cultural associations to local communities than gender difference alone. Through performances and alms-collection, *hijras* evoked their identity as spiritual ascetics by giving the alms-giver a blessing on behalf of a deity and alluding to the creative power of infertile persons to bless or curse fertility (Russell, 1916, p. 209; Kirparam, 1988, pp. 506–08). Elite Indian opinion was nevertheless increasingly embarrassed by *hijras*' "abhorrent" and "unspeakable" practices (Khan, 1870) and their "extremely obscene … effeminate speech, deportment, and movements" (Rai, 1889).

When we consider the broader context of colonial obscenity policy, the prosecution of *hijras*' cross-dressing and performance appears somewhat inconsistent. While *hijras*' public presence was characterised as "obscene", colonial administrators explicitly characterised the forms of theatrical and ritual transvestism mentioned above as "innocent" (Simson, 1866). In general, the colonial administration did not use the obscenity provisions of the Indian Penal Code of 1860 to prosecute transvestism. Moreover, British censorship laws were specifically framed to deal with "sedition" and sexually explicit theatre was not a key concern (Solomon, 1994, pp. 324–25).

Why then was the public presence of *hijras* so troubling to British officials in north India? First, according to colonial officials, the feminine embodiment of *hijras* was evidence of innate sexual and gendered deviance. While nineteenth-century definitions of obscenity usually turned upon the character of the audience (Heath, 2010, pp. 41–42), the definition of *hijra* obscenity turned upon the character of the performer. According to colonial officials, there was an inherent link between *hijras*' outward violation of gender norms and innate sexual "perversity", which rendered the generally "innocent" act of theatrical transvestism "obscene".

Second, the public performances of *hijras* evoked a wider set of anxieties that preoccupied British officials following the revolt of 1857, when the British lost control of much of north India. Colonial accounts of *hijras* in public space often mentioned *hijras*' overtly sexual dances; their "rude" and defaming talk; their alms-collection, characterised as "begging" and "vagrancy"; the exposure of their emasculated bodies when people refused to give alms; their "wandering habits"; and their "defilement" of public space. *Hijras* thus offended colonial sensibilities and concepts of proper public conduct in multiple ways. The colonial conceptualisation of *hijras*' public presence as "obscene" was not only related to their gendered embodiment and the sexually explicit content of their performances, but also to concepts of public space; sanitation projects and concepts of hygiene; anxieties over unproductive labour; discourses of criminality; and concerns with the uncontrolled movement of populations across political borders.

The British in north India were preoccupied with the order, purity and cleanliness of public space following the rebellion of 1857. For instance, Veena Oldenburg has shown how 1857 transformed the British view of Lucknow, henceforth seen as "sinister and dangerous". This resulted in the physical and social transformation of Lucknow as the British attempted to rid the city of labyrinth streets that facilitated rebellion and "clean" the city of "social disease" (Oldenburg, 1984, p. 27, pp. 124–25, pp. 143–44). The concern with *hijras* in public space thus intersected with broader projects of "imperial hygiene" (Bashford, 2004) that sought to order urban space, implement sanitary measures and prevent the spread of moral and physical "disease" (on Delhi: Legg, 2007; on Bombay: Kidambi, 2007). It is worth noting the disjunction between post-Enlightenment constructs of "public space" and early modern Indian concepts of common space.

The dominant conceptualisation of space in northern India and Bengal was a distinction between "inside" and "outside", in which the "outside" was "abandoned to an intrinsic disorderliness" (Kaviraj, 1997, p. 98, p. 101; see also Glover, 2008, pp. 185–202; Freitag, 1991b, pp. 7–8; Chakrabarty, 1991, pp. 19–26). In contrast, for the British, particularly following 1857, public space needed to be ordered since "[u]nordered space was potentially dangerous, suggesting contagion and dissent" (Levine, 2003, p. 299).

Colonial anxieties over *hijras* in public space also intersected with projects to control and suppress groups deemed "habitual criminals" in the 1860s and 1870s. *Hijras* were apparently "addicted" to sodomy, kidnapping and forcibly castrating children, while their alms-collecting practices were associated with "begging" and "vagrancy". Sandria Freitag writes that "the British perceived collectively criminal actions to be either directed against, or weakening, the authority of the state" (1991a, p. 230). Since the late eighteenth century, the British had been particularly concerned with the uncontrolled movement of populations and the porous quality of political borders (Sinha, 2008), and these anxieties were heightened following the revolt of 1857 (Freitag, 1991a). *Hijras*' mobility in public space and regular tours of the countryside for alms-collection connected the community to non-sedentary or "wandering" populations perceived as criminal, such as the "criminal tribes", groups labelled "hereditary criminals" because their caste occupations were believed to be criminal. The concern with the perceived criminality of itinerant groups following 1857, and the association between the *hijra* community and the criminal tribes, is evidenced by the regulation of both groups under the CTA in 1871. More broadly, the "deviant fringe" of Indian society was targeted for experiments in "population management" from the 1860s (Singha, 2003, pp. 92–94). The British enacted legislation to manage various marginal populations perceived as "deviant" and "criminal", including not only eunuchs and the "criminal tribes" but also the "infanticidal" castes, female prostitutes and lepers.

Ideologies of colonial masculinity thus intersected with a broad range of colonial projects following 1857 (Sinha, 1995, p. 2). In a context in which the British were preoccupied with the capacity of unordered public space, collectivities of "habitual criminals", and easily penetrated political boundaries to undermine British dominance of the subcontinent, *hijras*' "obscene" presence in public space was viewed as a direct challenge to British rule (Couper, 1861). Though the characterisation of *hijras* as a danger to British power in India was evidently overstated considering the social marginality and relatively small numbers of *hijras* – approximately 2,500 in the NWP&O (Simson, 1866) – this discourse is explained by the broader colonial anxieties with which the figure of the *hijra* intersected.

Obscene and Contagious Bodies: *Hijras* in Public Space

According to British officials in north India, *hijras* represented a threat of moral, sexual and physical contagion to both Indian men and public space itself. From the 1850s, British officials saw the registration of eunuchs as an exercise in containing the spread of certain "infections" or "contaminations", as well as cleansing the public space of Empire of "dirt" and "pollution" (North-Western Provinces Nizamut Adawlut, 1852; Drummond, 1865b). Following Deana Heath's recent work, I argue that obscenity should be viewed not merely as an issue of law or discourse, but as spatial and

embodied in important ways (Heath, 2010, pp. 2–3). Through the reorganisation of spatial relations, the colonial government sought to stem transgender colonial subjects' perceived pollution of both bodies and public space. On the one hand, eunuchs were seen as agents of sexual contagion, as persons who physically infected others with the "disease" of "unnatural" sexual behaviour.[8] On the other hand, *hijras* apparently infected public space and undermined political borders between Indian-ruled and colonial territories.

According to colonial administrators, the public presence of eunuchs posed a threat of moral and sexual contagion to apparently deviant Indian males due to the perceived link between performance and prostitution (Smith, 1882; Sapte, 1865; Robertson, 1866; Roberts and Spankie, 1866). The logic behind the prohibition of performance and cross-dressing was described thus: "Because the dancing in public of eunuchs in female clothing afterwards leads to sodomy, therefore it should be prohibited" (Simson, 1866). Colonial officials opined that the "obscene songs and lascivious movements" (Wise, 1883, p. 39) of eunuchs existed in a direct causal relationship to the "spread" of sodomy (Hobart, 1882; Drummond, 1865b). The singing and dancing of eunuchs was often interpreted as an explicit form of advertising for sexual services, rather than as a performance with social and religious significance (Griffin, 1870). The NWP&O Inspector-General of Police wrote that preventing *hijra* performance would therefore suppress sodomy. Conversely, "so long as these creatures are allowed to go about singing and dancing in women's clothes [sodomy] will not be put a stop to" (Tyrwhitt, 1874). The colonisers claimed the public presence of *hijras* directly engendered sexual activity between *hijras* and Indian males due to the immorality, sexual deviance and unmanly character of Indian male audiences. Consequently, the deviant potential of Indian men was identified as a crucial racial difference between rulers and ruled, reinforcing hierarchies of colonial masculinity.

In the colonial view, the performances and transvestism of eunuchs also held the potential for the contamination of the public space of the British Empire. From the early nineteenth century, Europeans represented *hijras* as a multi-faceted infection of the public sphere. Early in the century, Flemish artist Baltazar Solvyns characterised the "ostentatious display" of deviant bodies and *hijras*' loud and clamorous public presence as an "infection" of "the streets and bazaars" and an "outrage" to public morality (Solvyns, 1808–12, plate IV). In 1852, in 'Government versus Ali Buksh', the first case to provoke concern with *hijras* in the NWP&O, the Mainpuri Sessions Judge wrote that legislation was required,

> …to effectually rid the Company's dominions … of such *pollutions*. There can be no difficulty in ferreting out and *clearing* the land of [these] wretches… [A]ny Magistrate [should have authority] to *sweep* his district of such a reproach to any country under Christian rulers (North-Western Provinces Nizamut Adawlut, 1852; italics added).

According to Unwin, the proper British intervention was one of "clearing" or "sweeping" colonial space and, in the process, erasing *hijras* as a visible social category and public presence. Colonial public space was specifically conceptualised as a masculine space, clearly demarcated in its public nature from the feminised private domain (Levine, 2003, p. 308). The visibility of femininely-dressed "habitual sodomites" in

public undermined the masculine status of that space, as well as the social and spatial boundaries between the masculine and the feminine.

British administrators also characterised *hijras*' "obscene" performances and display of "deviant" bodies as the corruption of "colonial space", a supposedly purified domain, by the debauched culture of the "native state". The British conceptualised the symbolic geography of northern India as divided between colonial space and the few remaining native states, where debauchery, tyranny and immorality still apparently reigned. The visible public presence of *hijras* represented the infection of British India by the native state and therefore the undermining of the "rational" and "liberal" imperial project (Metcalf, 1994, pp. 24–25).[9] Masculinity was central to the ideologies of the colonial government and its symbolic geographies. The Indian principality was considered an unfortunately appropriate location for *hijras*, since the culture of the native state was at best effete and debaucherous, and at worst downright deviant (Low, 1836; Elliot, 1871b; Robertson, 1866). Colonial officials perceived the political, geographic, cultural and sexual boundaries of British India as dangerously porous. The threat of moral contagion from *hijras* thus required strategies of containment and quarantine. According to one judicial official, the aim of government was to contain *hijras* within the "more congenial limits" of the native state (North-Western Provinces Nizamut Adawlut, 1852). Prior to the CTA, some British officials made ad hoc efforts to "forcibly expel" *hijras* from British territories or institutions, such as army cantonments, "in consequence of the immoral and unnatural practices which public rumour assigned to them" (Ebden, 1856, p. 522). Through the CTA, the NWP&O government sought, at the very least, to ensure *hijras* were not *visible* in the public space of British India.

As we have seen, there were two perceived forms of contagion at stake in the performances and cross-dressing of *hijras*: first, the relationship between individual bodies, wherein deviant bodies posed a threat of contagion to other individuals through the "spread" of sexual vice; and second, the relationship between bodies and public space, wherein the spectacle of *hijras* threatened to infect colonial space. The public presence of *hijras* both reinforced and destabilised colonial masculinity: on the one hand, the perceived susceptibility of Indian male audiences to arousal and corruption by *hijras* confirmed their apparently deviant masculinity and sexuality, and therefore the notions of racial difference on which colonial rule was based; on the other hand, the presence of *hijras* in public undermined the symbolic geography of British India, representing an intolerable infiltration of Indian "immorality" and "effeminacy" into colonial space. While my analysis thus far has focused on the fears of contagion that underwrote the prohibition of *hijras*' transvestite performances, the following sections focus on the uneven implementation of the CTA and the contested boundaries of the obscene.

Prohibiting Performance and Transvestism

The NWP&O government considered the prohibition of the performance and cross-dressing of *hijras* a key priority of local policing (Colvin, 1875; Hobart, 1876b) and implored district officials not to let prudery hinder implementation: "It is not a pleasant [subject], but it is *work* and it must be done" (Tyrwhitt, 1879). Yet many British officials at the district level did not regard the "unpleasant" matter of eunuchs to be important administrative work. The colonial archive suggests an uneven pattern of

enforcement, with relatively strict implementation in some districts, excessive applications of the CTA that widened its scope in other districts, and lacunas in prosecution elsewhere. This somewhat erratic implementation was a result of the limited reach of colonial surveillance and bureaucratic capacities on the ground and British officials' allocation of resources to other areas of administration considered more important, as well as the lack of interest or opposition of British district officials to the registration of eunuchs and *hijra* evasion of the police. Therefore, colonial projects to discipline *hijras*' gender and sexuality were internally fissured. My argument resonates with the findings of several historians that colonial attempts to manage populations and regulate bodies – for instance, in the context of urban planning and sanitation – were often limited in practice, due to pragmatic compromises and the imperative to maintain colonial control (Legg, 2007, Chapter 1, Chapter 4; Kidambi, 2007, Chapter 3; Nair, 2009, p. 330).

The prohibition of performance and cross-dressing got off to a slow start and in the first year of enforcement, 1872, there was only one successful prosecution (Tyrwhitt, 1874). Although the provincial government noticed "decided improvement" in the prosecution of performance and cross-dressing from the late 1870s (Hobart, 1877), enforcement continued to be uneven between districts. Police headquarters and the provincial government complained throughout the 1880s that there was "much laxity" in enforcement since the number of prosecutions was relatively small, generally fewer than a dozen per year (Tyrwhitt, 1878; Smith, 1884). The NWP&O government repeatedly sent circular orders to district authorities, reminding them that the punishment of public performance and cross-dressing was a government priority (Sparks, 1877; Robertson, 1878). Several years after the CTA was first implemented, dozens of eunuchs were still listed in the statistical returns as performing for a living (Robertson, 1879). In 1881, "in Muzaffarnagar and Kheri the occupation of some registered eunuchs [was] given as dancing and singing in male attire, though such conduct [was] expressly made penal in the Act". In Unao, too, registered eunuchs "still dress[ed] as women", while in Hardoi "registered eunuchs play[ed] in public in male attire". The NWP&O government concluded that the "police … appear[ed] inclined to wink at offences against the Act" (Robertson, 1881). The uneven disciplining of *hijras*' gender and public behaviour is also evident in the judiciary's enforcement of the prohibition on performance and cross-dressing, as sentences varied from a fine of a few rupees to rigorous punishment for several months, or even up to two years (Robertson, 1881; Smith, 1883).

Yet, in many districts, surveillance and the threat of prosecution made performance and cross-dressing impossible, with devastating impacts upon *hijras* who were denied their primary means of cultural expression, a key aspect of their social role and their primary source of income. In 1874, the Magistrate of Hamipur reported that the immediate impact of prohibition on local eunuchs was such that "the creatures hardly know what to do" (Tyrwhitt, 1874). In 1876, eunuchs in 15 of 22 districts had "been forced to abandon their former calling and to pursue honest and legitimate menial pursuits" (Hobart, 1876b). By 1896, less than 10 per cent of registered eunuchs earned a living "by some definite occupation without resort to begging" (Holderness, 1896). Although *hijras* were able to continue to collect alms from local communities, most were unable to perform and cross-dress under the CTA, or to find other work. In some districts, unregistered eunuchs were also forced to abstain from public performance and transvestism in order to prove their "respectability" and avoid registration. Consequently, the

penal provisions of the CTA had a more wide-ranging impact in some areas than the number of prosecutions would suggest. Moreover, the devastating impact of prohibition was exacerbated by the excessive application of the Act, beyond the bounds of the law, in some districts. The prohibition of performance and cross-dressing to registered eunuchs gave the impression that *any* person who appeared to be a eunuch – regardless of whether they were legally registered under the Act – could be prosecuted for public performance and transvestism (Robertson, 1880). The CTA thus facilitated police harassment and the use of technically illegal measures against a range of persons who behaved in public space in a manner deemed "obscene" or "deviant". This represents a continuation of police abuse earlier in the nineteenth century. Prior to the CTA, colonial police harassed *hijras* and other transgender groups by "cut[ing] off their long hair, strip[ping] off their female attire and ornaments, and selling them[,] fit[ting] these people out with a set of men's clothes" (Hobart, 1876a).

The disciplining of *hijras*' gender and "obscene" public acts varied in different local contexts for a number of reasons. First, in many cases, the limited capacities of local police to keep *hijra* communities under surveillance meant that the police found it difficult to catch *hijras* "in the act", although they were "said" to perform and cross-dress in public. In Banda district authorities had intelligence that local eunuchs continued to perform in public, but the police had been unable to catch them doing so (Robertson, 1878). Gaps in surveillance were also a result of British district officials' prioritisation of other areas of local administration that appeared more pertinent to maintaining colonial control.

Second, there was disagreement between British officials – in the judicial as well as the police branches, and at every level of the provincial government – over the definition of obscenity and the necessity of regulation, highlighting that colonial understandings of obscenity and masculinity were by no means homogenous. What was it *precisely* about the performances of eunuchs that made them obscene? In particular, did the content of eunuchs' performances warrant the exercise of state power if the dress of the performer was "appropriately" gendered (Hobart, 1875; Colvin, 1875)? Oftentimes, local authorities punished femininely-dressed eunuchs but allowed those who agreed to wear male clothes to continue to perform in public (Hobart, 1876b; Webster, 1880). Several district Magistrates gave explicit, written permission to registered eunuchs to perform in male clothes, although this was illegal under the Act (Robertson, 1880; Smith, 1884). Aware that performing was the primary occupation of eunuchs, some British officials bent the rules (Tyrwhitt, 1874), while other administrators argued that eunuchs' performances were "harmless" – neither obscene, nor a threat of contagion (Tyrwhitt, 1879; Robertson, 1880). In sum, there were limits to the extent that British administrators were willing to police moral standards among the colonised due to both pragmatic considerations and varying official attitudes towards the necessity and legitimacy of regulating *hijra* morality.

According to many colonial officials, it was not the bawdy content of *hijras*' performances that required regulation, but the spectacle of *hijras* – figures of failed masculinity – dressed as women. While prosecuting transvestism, many local officials allowed registered eunuchs to perform in male clothing. In contrast, most British officials held that femininity needed to be entirely erased from the bodies of *hijras*, who should "uniformly wear men's clothes" (Robertson, 1879; see also Robertson, 1880). Some British district administrators even complained that *greater* policing powers were necessary to

suppress cross-dressing and proposed that "it would be much easier" to suppress the public spectacle of *hijras* and other sexual "deviants" "if the law made it criminal for any man to appear in public in women's clothes" (Tyrwhitt, 1874). Since public transvestism was perceived as a visible manifestation of deviant gender and sexuality, British officials at the district level were on the whole in agreement that cross-dressing needed to be suppressed. Nonetheless, the significant variation in the disciplining of *hijras* suggests some plurality in colonial conceptions of obscenity and morality. The uneven regulation of *hijras* also highlights the fissured and incomplete nature of colonial projects to enforce codes of masculinity.

Modes of Resistance and Evasion

The prohibition of public performance and transvestism under the CTA had an uneven impact due to fractures in the colonial administration, but the enforcement of the CTA was also undermined by *hijras* themselves. In their everyday lives, *hijras* subverted colonial ideologies of masculinity and obscenity and legitimised their existence in the face of criminalisation. *Hijras* used various survival strategies to alleviate the impacts of the CTA and undermine colonial efforts to discipline their bodies and behaviours. Thus, *hijras* grasped, expanded and generated gaps in colonial power at the local level and frustrated colonial agendas. *Hijras* exploited "the tiny cracks within the overarching structures of patriarchy and colonialism", highlighting that "systems of dominance contain within them, as an integral part of them, spaces that allow for resistance" (Prasad, 2007, pp. 161–90; see also Haynes and Prakash, 1991, pp. 1–22; O'Hanlon, 1988, p. 222; Ghosh, 2007, pp. 13–15; Doron, 2009, pp. 16–17).

Subversive everyday practices

A range of *hijras*' everyday practices that were not criminalised under colonial law – such as alms-collection, ritual and the re-telling of oral traditions – helped *hijras* mitigate colonial interventions by providing them with a restricted means of income, subverting colonial discourses, legitimising their existence, and undermining colonial agendas. First, alms-collection was subversive in several respects. After 1871, the *hijras* of most districts in the NWP&O were still permitted to collect alms, as long as they did not perform (Oldham, 1875). Requesting alms provided *hijras* with a means of income – albeit a reduced income – following the prohibition of performance, and was an everyday strategy of survival. Alms-collection challenged the criminalising discourses of the colonial government by associating *hijras* with spiritual power, in particular a power to bless and curse fertility (Russell, 1916, p. 209; Kirparam, 1988, pp. 506–08). Alms-collection also directly challenged colonial projects through the implicit flip-side of giving. If money was refused, there was an understood threat of bawdy talk, skilful use of insult and "obscene" gestures and actions (Solvyns, 1808–12, plate IV; Hall, 1997), all of which undermined the NWP&O government's project to control *hijra* "obscenity" and erase *hijras* as a distinct socio-cultural category in public space. One colonial ethnologist reported, "If anyone fails to give them [*hijras*] alms they abuse him, and if abuse fails they strip themselves naked … which is … believed to bring dire calamity" (Enthoven, 1997 [1922], p. 228). In light of the prohibition of

hijras' feminine dress, such actions challenged colonial control over *hijra* bodies by spectacularly drawing attention to bodily difference.

Second, *hijras* subverted colonial agendas and articulated an alternative socio-cultural and gender identity through the everyday re-telling of their communal mythology, derived from Hindu myths of androgynes and emasculates. One common *hijra* legend, which was included in a colonial ethnology, told the story of a prince named Jeto who was born impotent. The goddess Bahucharaji "appeared to Jeto in a dream and told him to cut off his private parts and dress as a woman", practices that all *hijras*, according to the legend, subsequently followed (Enthoven, 1997 [1922], pp. 227–28; see also Russell, 1916, pp. 207–09). Under the CTA, *hijras* evoked these mythological sources of authenticity on a daily basis by worshipping images of deities associated with the *hijra* community and visiting their shrines. Such myths legitimised *hijra* gender identity in the face of British attempts to enforce gender dualism.

"Obscene" performances and transgressive gender embodiment

Hijras deployed various strategies to continue to perform and wear feminine dress. Although *hijras* sent dozens of petitions to government appealing for permission to continue performing in public due to the negative impact of prohibition on their livelihood, the provincial government rejected eunuchs' petitions outright (North-Western Provinces Government, 1873; 1880a; 1880b; 1881). In light of the failure of petitioning, which was the only government-sanctioned form of redress, *hijras* evaded and resisted the laws against performance and feminine dress through multiple means. Therefore, the CTA limited, but did not entirely suppress, the illegal performances of *hijras* and their gender embodiment, despite the risk of prosecution.

First, some *hijras* illegally performed and cross-dressed in public while avoiding prosecution, highlighting the way in which gaps in surveillance created opportunities for resistance and evasion, which *hijras* grasped and widened (Robertson, 1878; Robertson, 1881). Second, the *hijra* community used mobility as a strategy to perform and cross-dress without prosecution. Many *hijras* migrated for short periods to Indian-ruled states, British provinces in which the CTA was not enforced, and other districts of the NWP&O where they were not registered. *Hijras* also constantly moved across political borders to evade police (Hobart, 1876b; Tyrwhitt, 1878; Smith, 1882). The lack of a pass system to prevent and control *hijra* mobility under the CTA allowed many *hijras* to perform and wear feminine clothing in public outside their district and thus gain a temporary reprieve from colonial interventions.

Third, *hijras* outwardly cooperated with normative masculinity to reduce the likelihood of prosecution for performance and thus collaborated with hegemonic ideologies in order to improve their livelihoods. Some *hijras* – for instance, those in Hardoi district – took a creative approach to their gendered embodiment, mixing elements of male and female clothing in order to superficially conform to masculinity, while simultaneously expressing their gender identity (Smith, 1881). Finally, most *hijras* performed and wore feminine clothing in domestic contexts, away from the gaze of the colonial police. The authorities in Mainpuri reported that performances were rarely "done in public" and most eunuchs secretly performed in "private" locations (Tyrwhitt, 1878). The authorities in Mordabad "proved that some registered eunuchs do dress in women's clothes in their own houses" (Webster, 1884). The "private" sphere provided a space in

which *hijras* could perform their gender identity, maintain their livelihoods and subvert the colonial disciplining masculinity and obscenity. Despite calls from British district officials for intervention in *hijra* domestic space – through random night-time searches, for instance – the provincial government rejected such legislative changes and the "private" sphere remained a crucial space for *hijra* resistance to colonial projects (Webster, 1884; Smith, 1881; Connell, 1884).

Gaps in surveillance, inadequate resources, varying colonial attitudes, and the limits to which the provincial government was willing to intervene in *hijra* communities created small opportunities for *hijra* resistance to the colonial disciplining of their bodies and behaviours. *Hijras* grasped and expanded these fissures in colonial power, in the process frustrating colonial agendas.

Conclusion

In the second half of the nineteenth century, the colonial government in north India attempted to discipline the gender embodiment and "obscene" acts of *hijras* in order to erase the group as a distinct social category in public space. This was part of a wider project to cause *hijras* to "die out" as a physical and social entity through the enforcement of Part II of the Criminal Tribes Act of 1871. This article has examined what this project to police *hijras* tells us about colonial masculinity. First, I have argued that colonial moral panics about *hijras* were over-determined by several broader colonial agendas and anxieties. *Hijras* evoked wider concerns with the inability to know and control peripatetic groups; the colonial conceptualisation of Indian criminality in terms of collectives, perceived as a threat to British political authority; the purity of public space and projects of sanitation; the porous nature of political boundaries (both symbolic and physical) between Indian-ruled and British territories; and lacunas in intelligence and surveillance that demonstrated the tenuous nature of colonial power. This article has particularly examined the ways in which efforts to enforce masculinity and police *hijra* "obscenity" intersected with broader projects to clean and regulate public space following the 1857 revolt, when the British sought to re-draw the urban landscape to prevent dissent in urban space perceived as dangerously disordered. The presence in public space of *hijras* – conceptualised as "habitual criminals", gender and sexual "deviants" and carriers of moral contagion – was viewed as a direct challenge to British rule. *Hijras* were characterised as contaminating agents that infected both Indian men and colonial public space with moral and sexual "disease" associated with the "native states". According to British colonial officials, boundaries between bodies and between Indian- and British-ruled territories were both undermined by *hijra* "obscenity", requiring various strategies of containment to stem these flows of contagion. Thus, colonial discourses of gender and sexuality intersected with broader colonial projects – from sanitation policies, to urban planning, to efforts to control "wandering" groups – that were concerned with the order of public space and the stability of political borders in the post-1857 period.

Second, colonial efforts to regulate *hijra* bodies and their spatial location were inconsistent between local contexts, revealing the limits of the colonial government's attempts to discipline masculinity and suppress public "obscenity". The enforcement of the prohibition on transvestism and performance, and its impacts upon *hijras*, varied

between districts, and even different local police jurisdictions. Some local authorities exercised an excess of coercive power, beyond the boundaries of the law, while elsewhere, local enforcement was lax. I suggest three reasons for the uneven disciplining of *hijras*. First, the capacity of the colonial government to minutely discipline the bodies and behaviours of *hijras* was limited at the district level due to inadequate policing resources, pragmatic compromises, and the prioritisation of other areas of local administration. Second, British colonial officials differed somewhat in their conceptualisation of obscenity and the extent to which the colonisers should control *hijras*. Some British district officials were simply uninterested in policing morality, which they did not view as crucial to British colonial rule. Third, *hijras* exploited and expanded fissures in colonial power at the local level to alleviate the impacts of the CTA on their everyday lives and directly undermined colonial efforts to suppress the visible public presence of *hijras*. *Hijras* maintained an aspect of their social role and their loud and raucous public presence through alms-collection; broke the law against performance and feminine dress while evading the police; partly collaborated with normative masculinity to reduce the risk of prosecution; and sang, danced and wore feminine clothing in domestic spaces, away from the gaze of the police.

The impact of colonial projects against *hijras* is still felt in post-Independence India. Anthropologist Gayatri Reddy shows that *hijras* are characterised by many in Indian society as a public nuisance, a threat to public order and a source of contagion. *Hijras* are "constructed in the popular imaginary as 'dirty', socially marginal outcasts" (Reddy, 2005a, p. 257), a perception that stems, on the one hand, from Indian notions of *sharam* (shame), and on the other hand, from concepts of public order and contagion with a colonial history. The CTA also established a pattern of police-*hijra* interactions premised on the criminality of the *hijra* community and the legitimacy of policing measures different from and more excessive than those applied to broader society, forming an important backdrop to the widely documented contemporary police abuse of *hijras* (People's Union for Civil Liberties, Karnataka, 2004). Yet the colonial government did not succeed in its ultimate aim: to cause *hijras* to "die out". Both the fissures of colonial power and the agency and resistance of *hijras* account for the long-term failure of colonial attempts to erase *hijras* as a socio-cultural and physical entity, notwithstanding the CTA's devastating (if uneven) impacts upon nineteenth-century *hijras*. The category and identity of the *hijras* fortunately survived colonial criminalisation.

Notes

1. *Hijras* adopted feminine names, with the exception of Punjabi *hijras*, who retained male names. These different naming practices have endured (Hall and Donovan, 1996, p. 252).
2. Police later de-registered dozens of "eunuchs" who had fathered children (Low, 1882).
3. In 1860, the Indian Penal Code criminalised "unnatural intercourse", usually interpreted as sodomy, under section 377 (Narrain, 2008).
4. The framework of "colonial masculinity" is not the only lens through which the history of the *hijra* community can be analysed. In my broader research project, I particularly analyse the ways in which power, agency and resistance were manifest in *hijras*' everyday lives and the intimate domain.
5. These studies have built upon Michel Foucault's concept of "governmentality" – a form of power that has as its object the management of populations through the production of knowledge (such as statistics) and deployment of various "tactics" to transform the population's conditions of life in an

"improving" manner – but have analysed how population management occurred in the colonial context. See Foucault (1991).

6. Shane Gannon's recent PhD dissertation on colonial representations of *hijras* examines the CTA in one chapter, but uses an exclusively discursive framework of analysis (Gannon, 2009, pp. 329–61).
7. On the neglect of symbolic geography in sexuality studies, see Mort (2000, p. xxiii); Phillips (2006, Introduction).
8. For a useful discussion of contagion, see Bashford and Hooker (2001, pp. 4–5).
9. The streets, markets and religious fairs in which *hijras* performed were usually defined as "native" spaces in contradistinction to the Civil Lines (Mills, 2005, pp. 105–13), but in this case were defined as "colonial" in contrast to the "native state".

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Abbreviations for Archival Sources:

India Office Records, British Library, London

Government of India, Public and Judicial Department (BL/IOR/L/PJ)
North-Western Provinces Judicial Proceedings (BL/IOR/P)
North-Western Provinces Police Proceedings (BL/IOR/P)
North-Western Provinces and Oudh Judicial Proceedings (BL/IOR/P)
North-Western Provinces and Oudh Police Proceedings (BL/IOR/P)
Official Publications (BL/IOR/V)

National Archives of India, New Delhi

Foreign Department Political Consultations (NAI/FD/PC)
Home Department Judicial Branch Records (NAI/HD/JB)

Uttar Pradesh State Archives, Allahabad

Commissioner of Allahabad Records (UPSA/A/COA)
Commissioner of Meerut Records (UPSA/A/COM)
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